

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

MARIA PEREZ on behalf of herself and all others similarly situated	)	<b>Case No. CV 10-01916 JW</b>
	)	
	)	<b>STIPULATION RE FILING OF FIRST</b>
Plaintiff,	)	<b>AMENDED COMPLAINT</b>
	)	
v.	)	
	)	
MIDLAND FUNDING, LLC	)	
	)	
Defendant.	)	

1 Plaintiff Maria Perez and Defendant Midland Funding LLC, through their respective  
2 counsel of record, hereby stipulate as follows:

3 WHEREAS, Plaintiff filed her initial Complaint in this action on May 4, 2010; and

4 WHEREAS, Defendant timely filed a Motion to Dismiss and a Motion to Strike specified  
5 allegations of the Complaint; and

6 WHEREAS, Plaintiff desires to amend the Complaint to clarify her allegations and to  
7 address certain of the points raised by Defendant in its motions;

8 IT IS, THEREFORE, STIPULATED AND AGREED that:

9 1. Plaintiff may file a First Amended Complaint on or before July 21, 2010.

10 2. **In light of this Stipulation and Order, Defendant's pending Motions to**  
11 **Dismiss and to Strike (Docket Item Nos. 6 & 7), are DENIED as moot and the**  
12 **November 15, 2010 hearing for those Motions is VACATED.**

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14  
15 **SO STIPULATED.**

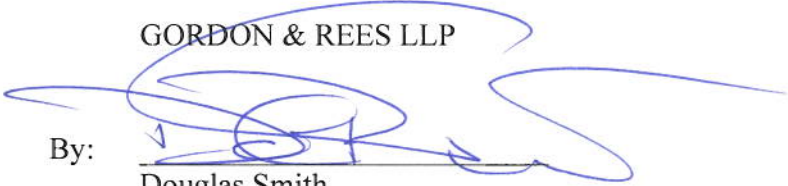
16  
17 Dated: July 1, 2010

DUPRE LAW FIRM, P.C.  
LAW OFFICE OF WILLIAM E. KENNEDY  
CHAVEZ & GERTLER LLP  
KEMNITZER, BARRON & KRIEG LLP

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19  
20 By: /s/ Nance F. Becker  
21 Nance F. Becker  
22 Attorneys for Plaintiff Maria Perez

23 Dated: July 1, 2010

GORDON & REES LLP

24  
25 By:   
26 Douglas Smith  
27 Attorneys for Defendant  
Midland Funding LLC

28 **\*\*\* IT IS SO ORDERED AS MODIFIED \*\*\***

Dated: July 7, 2010

  
JAMES WARE  
United States District Judge